

APPROVED: Meeting No. 28-94

ATTEST: *Paula F. Jewell*

MAYOR AND COUNCIL  
ROCKVILLE, MARYLAND  
Meeting No. 25-94

September 12, 1994

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland, on September 12, 1994, at 7:34 p.m.

PRESENT

Mayor James F. Coyle

Councilmember Robert E. Dorsey

Councilmember Rose G. Krasnow

Councilmember James T. Marrinan

Councilmember Nina A. Weisbroth

In attendance: City Manager Bruce Romer, City Clerk Paula Jewell and City Attorney Paul Glasgow.

Mayor Coyle noted his use of a hand carved gavel and block which was presented to the City by resident, Murray Stein. Mr. Stein carved the gavel and block using wood from a 200-year old English Boxwood tree.

Re: City Manager's Report

1. On Saturday, September 10th, the City launched the Human Needs and Services Advisory Task Force (HNASATF) with an orientation meeting. HNASATF was established as one of the Mayor and Council's initiatives to study human needs and services in the City. The Task Force will take about one year to work on their mission, and the meetings which will take place twice a month, will be open to the public.

2. Mr. Romer reported that a variety of marketing techniques were being used to enhance the City's municipal facilities and their uses. The latest marketing technique focused on the

Glenview Mansion. Cable Channel 53 and four other local television networks were telecasting a public relations clip on the Mansion. In addition, a new brochure describing some of the features of the Mansion has been published and will be mass mailed to meeting planners and others as way to promote the Mansion.

3. Mr. Romer displayed the new brochure, Serving The City - Rockville's Boards and Commissions which was published in response to the Mayor and Council's desire to promote a better understanding of the various boards and commissions.

4. On September 11th, the Rockville Concert Band conducted their last concert under the direction of Dr. Robert Tennyson, who retired as Band Director after 16 years. Mayor Coyle, Councilmember Marrinan and Councilmember Krasnow presented Dr. Tennyson with Certificate of Appreciation at the September 11th concert.

Re: Proclamation declaring the week of  
September 17-23, 1994 as  
**CONSTITUTION WEEK.**

September 17th marks the two hundred  
seventh anniversary of the signing of the  
Constitution of the United States by the  
Constitutional Convention.

By a unanimous vote of the Mayor and Council, September 17-23, 1994 was declared "Constitution Week" in Rockville. Upon the request of the Mayor, Councilmember Dorsey read the Proclamation, the full text of which can be found in Proclamation File No. 7 of the Mayor and Council. The Proclamation was presented to Laura Hersperger, Past Regent, Col. Tench Tilghman Chapter of the Daughters of the American Revolution.

Re: Proclamation declaring September 15  
through October 15, 1994 as **HISPANIC  
HERITAGE MONTH.**

By a unanimous vote of the Mayor and Council, September 15 through October 15, 1994 was declared "Hispanic Heritage Month" in Rockville. Upon the request of the Mayor, Councilmember Krasnow read the Proclamation, the full text of which can be found in Proclamation File No. 7 of the Mayor and Council. The Proclamation was presented to Galo Correa, President of Hispanics United for Rockville.

Re: Presentation of Certificate of Appreciation to Michael Patterson, for over 20 years of service on the Historic District Commission.

The Mayor and Council presented a Certificate of Appreciation to Michael Patterson, for more than 20 years of service on the Historic District Commission. Dean Brenneman, Chair, on behalf of the Commission, presented Mr. Patterson with a Certificate of Achievement.

Re: Presentation of awards to winners of the Rockville Gazette Tennis Tournament.

Mayor Coyle noted that a total of 382 players participated in 21 different categories. He presented the first award to Judy Hruz and Gary Socha of the Rockville Gazette for the Gazette's continued support and sponsorship of the 1994 Rockville Gazette Tennis Tournament. Mayor Coyle then presented an award to Dee McNellis for her outstanding service and dedication as the Tournament Director. Ms. McNellis then presented the awards to all the winners and finalists for this year's tournament. Ms. McNellis expressed appreciation to Rockville staff members Lou Clark, Lisa Splaine and Chuck Miller for their assistance.

Re: Presentation of Accomplishments by the Advisory Commission on Public Education (ACPE).

The ACPE will make a presentation summarizing its accomplishments.

Mayor Coyle noted that the Commission was established in November 1982 to ensure a Rockville presence before the County Board of Education. Bob Ekman, Chair of ACPE reviewed the history and the Charter of the Commission and remarked on ACPE's successes over the past 12 years, particularly, the relationships established in the community with school PTAs and the educational forums the Commission held. The current members of ACPE recommended that the Commission be disbanded because the goals of the Commission have been achieved.

Commissioner Richard Rothenberg then highlighted additional accomplishments and said that the Commission had been more proactive in working with the schools and he felt his experience as a former school principal had helped to open communication. He spoke on the virtues of the Presidential Classroom program and suggested that the Mayor and Council elect to fund more than one Presidential Scholarship. ACPE also expressed appreciation to Assistant City Manager Cheryl Lampkin for her assistance in staffing the Commission.

Mayor Coyle and members of the Council expressed appreciation to the members of ACPE for their many achievements and for their willingness to recommend dissolving the Commission, since its mission had been carried out. Councilmember Krasnow noted that the City was hoping, through its other boards and commissions, to establish education commissioners to keep an eye on education issues in Rockville. Councilmember Dorsey commented that he was reluctant to allow the Commission to disband because he felt that there was still a lot needed in the way of education to the public.

Re: Citizens Forum - This time is set aside to hear from any citizen who wishes to address the Mayor and Council.

1. Glen Mays, Executive Director, Habitat for Humanity asked for the Mayor and Council's favorable action on Item 15, approval for participation in the off-site SWM program for

quantity control resulting from the construction of a single family home at 899 Lewis Avenue. He said that once the Mayor and Council approved the participation, Habitat for Humanity was ready to move forward with obtaining a permit for building a foundation and moving the house to the site.

2. Greg Ng, Olney Resident explained that he was in Rockville to witness the Mayor and Council meeting which he watched many times on cable television. He commended the Mayor and Council, City Manager Romer, and Police Chief Treschuk, and said that Rockville citizens were fortunate to have such leadership in its government.

3. Mansfield Kaseman, 704 Carter Road informed the Mayor and Council of an effort to collect 708 pairs of shoes from Marylanders as part of a national campaign for a silent march in Washington, D.C. on September 20, 1994.

4. Bill Meyer, 804 Leverton Road thanked the Mayor and Council for a successful Volunteer Appreciation Party on September 9, 1994. Regarding Agenda Items 14 and 15, stormwater waivers for single family homes, Mr. Meyer said that neither item listed a category and he said since they both were in the Cabin John drainage, he assumed that they would go through a SWM quantity control facility on one of the branches of the Cabin John River, down stream from Rockville Pike. He asked why there was a large difference in the waiver fees since both were for single family homes. Councilmember Krasnow responded that the waiver amount depended on the amount of impervious surface created by the construction of a new home.

Re: Appointments

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Stan Sheltra was reappointed to serve as Chair for one year and as member for three years of the Senior Citizens Commission.

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, Marty Roney was reappointed to serve as a member for three years of the Senior Citizens Commission.

Re: Approval of Minutes

Upon motion of Councilmember Weisbroth, duly seconded and unanimously passed, the Minutes of Meeting No. 22-94 (July 11, 1994) were approved as written.

Upon motion of Councilmember Dorsey, duly seconded and unanimously passed, the Minutes of Meeting No. 23-94 (July 25, 1994) were approved as written.

Re: Consent Agenda

Councilmember Krasnow requested removal of Items H and I; Councilmember Marrinan requested removal of Item J. Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the following Consent Agenda Items were passed:

(A) Award of Bid: #94-2  
To: Kent Meters  
Of: Ocala, FL  
In the amount of: \$33,830  
For: 5/8" water meter replacement program

(B) Award of Bid: #27-95  
To: Central GMC Truck Center, Inc.  
Of: Landover, MD  
In the amount of: \$73,399.98  
For: Purchase of two 35,000 GVW cab and chassis.

To: B & B Equipment Company, Inc.  
Of: Baltimore, MD  
In the amount of: \$36,794.00  
For: Purchase of two 20 cubic yard compactor bodies

- (C) Rejection of Bid #28-95  
To: All Vendors  
For: Purchase of one loader/backhoe
- (D) Award of Contract  
To: Eastman Kodak  
Of: Arlington, VA  
In the amount of: \$22,890  
  
For: Contract maintenance for high volume copier
- (E) Award of Bid: #30-95  
To: Ryon, Inc.  
Of: Upper Marlboro, MD  
In the amount of: \$27,000  
For: Construction of concrete spectator seating, steps, railing, and concrete walks at the Potomac Woods upper field in Potomac Woods Park
- (F) Award of Bid: #33-95  
To: Mueller Company Marketing Group  
Of: Cleveland, NC  
For: Replacement of commercial water meters for FY95
- (G) Award of Bid: #C-46051/R  
To: Steuart Petroleum Company  
Of: Washington, DC  
In the amount of: \$26,209.40  
  
For: Provision and delivery of diesel fuel
- Re: Award of Bid to: J. Palmerio Construction  
Of: Rockville and Bethesda, MD  
In the amount of: \$28,475  
  
For: Replacement of concrete stairway from the Glenview Mansion to the main parking lot at Rockville Civic Center Park.

Regarding Item H, Councilmember Krasnow asked if the steps closest to the Mansion, were those proposed for replacement. Mr. Hall confirmed that was correct. Ms. Krasnow asked if

the unit would remain as a staircase. Mr. Hall responded in the affirmative, and he said there would also be a landing and the rebuilt stairs would veer to the left. Ms. Krasnow noted her concern that there was a very dark pathway which lead from the parking lot to the F. Scott Fitzgerald theatre with a step that people could easily miss. Mr. Hall said that this project was being addressed along with other lighting improvements in the CIP budget. Upon motion of Councilmember Krasnow, duly seconded and unanimously the bid was awarded to J. Palmerio Construction.

Re: Cooperative Purchase Contract Approval  
To: Montgomery County Planning Department  
Of: Maryland-National Capital Park and Planning  
Commission  
In the amount of: \$50,000

For: Updated topographic and planimetric maps.  
Sufficient funds for this project are allocated in  
the Public Works CIP budget.

Councilmember Krasnow requested removal of the item to inquire how old the current maps were and she asked whether the new information to be obtained would be available to the various civic associations and homeowner associations who might need the data. Senior Planner, Lisa Rother, responded that the existing 200 scale topographic maps were last updated in 1978 with aerial topography and the new maps would reflect an accurate picture from February 1993 and would be easier to update. She said the maps would continue to be made available in hard paper copy for \$1.00 per copy. Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, the Cooperative Purchase Contract was approved.

Re: Receipt of financial reports summarizing  
the results of City operations for the period  
from July 1, 1994, through July 31, 1994.



Regarding Item J, Councilmember Marrinan stated that real estate property taxes were down from last year's levy, real property assessments had flattened out reflecting a weak demand for office space, and residential assessment were generally declining. He pointed out that this was a warning for next year's projected revenues, as property taxes reflected most of the City's revenues. He said the City would have a difficult budget next year, and the Mayor and Council would need the understanding of Rockville residents. Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the financial reports were received.

Re: Adoption of Resolution to repeal  
Resolution 32-82 establishing the City of  
Rockville Advisory Commission on Public  
Education.

To repeal the resolution establishing the  
"Education Commission" because it has  
achieved its mission.

Resolution No. 18-94

Councilmember Krasnow said it was significant that the Mayor and Council were disbanding the Commission; she stressed that education issues were not going away and the Council would need to be aware if there were other issues that might need to be addressed. Mayor Coyle noted Mr. Dorsey's earlier comments and said that the Mayor and Council would be diligent in keeping abreast of all the community's educational issues in the City. Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, the Resolution to repeal Resolution 32-82, which established the City of Rockville Advisory Commission on Public Education was adopted. The full text the Resolution can be found in Resolution Book No. 10 of the Mayor and Council.

Re: Adoption of Resolution to Approve Road Code Waiver, Rockville Center, Inc., Applicant.

Approval of reduction of street widths for new streets planned in conjunction with redevelopment of the former Rockville Mall area.

Resolution No. 19-94

Mr. Romer explained that road code waivers were not very common items that come before the Mayor and Council; the City tended to get a few every year, and they usually stemmed from some type of unique development which prompted a recommendation for a waiver. This particular waiver was foreseen when the downtown plan was reviewed and discussed, and Mr. Romer noted that the approval was recommended by the Planning Commission and the planning staff.

Councilmember Krasnow noted the pedestrian peninsulas on the corners and at the points where Maryland Avenue intersected with East Montgomery, and Center Street where it intersects East Montgomery. She said there was only a 26-foot wide road, and asked about the need for pedestrian peninsulas and questioned how truck traffic got through the narrow 26-foot wide intersections. Community Development Director, Neal Herst, explained that peninsulas were intended to narrow down the amount of distances pedestrians had to walk across the street; that the peninsulas greatly facilitated pedestrian crossing and did not inhibit the flow of traffic. Mr. Herst said that truck traffic was crucial to the success of the two office buildings proposed for downtown, and trucks would have access to loading areas near the Middle Lane area and would have head-in and head-out movement and would not have to traverse the area where the pedestrian peninsulas were located. Mrs. Krasnow expressed concern that the vehicles turning around pedestrian

peninsulas could go over a curb and strike a pedestrian. Mr. Herst said that experiences around the country proved that pedestrian peninsulas actually provided greater protection to pedestrians. Not only do they create a greater curb space, but they also incorporate other features that made them clearly visible to a driver and provided the pedestrian room to move and get out of the way. Regarding traffic capacity and flow, Mr. Herst explained that Montgomery and Maryland Avenues were not intended to be traffic circulators or to relieve additional traffic congestion. The proposed dimensions of these streets were reduced to slow down the speed of traffic and make them more pedestrian oriented.

Upon motion of Councilmember Dorsey, duly seconded and unanimously passed, the Resolution approving Road Code Waiver, for Rockville Center, Inc. was adopted. The full text of the Resolution can be found in Resolution Book No. 10 of the Mayor and Council.

Re: Approval for participation in the off-site SWM program for quantity control resulting from the construction of a single family home at 803 Grandin Avenue in the Cabin John drainage area and the acceptance of \$6,000 contribution for the off-site SWM fund.

Re: Approval for participation in the off-site SWM program for quantity control resulting from the construction of a single family home at 899 Lewis Avenue in the Cabin John drainage area and the acceptance of \$3,200 contribution for the off-site SWM fund.

Mr. Romer noted that Items 14 and 15 were similar and his comments would be applicable to both. He explained that both requests for participation in the off-site SWM program involved single family homes east of Rockville Pike, and the stormwater discharge was to the west and initially to the Dawson Farm SWM facility. That particular facility was fully subscribed and

storm water could not be received there. The City's regional SWM program anticipated this and staff was recommending that the discharge starting from the single family homes be received downstream from another SWM facility which would be in the Cabin John drainage basin which was not yet fully defined as some other facilities were. Nevertheless, our system was designed to receive the contribution as compensation for the drainage area and when the Cabin John Watershed Study was completed, we would then be in position to say what facility would be the recipient of the stormwater.

Councilmember Marrinan inquired about the status of the Cabin John Watershed Study. Mr. Romer said that the draft from the COG consultant was just received; the schedule originally called for the release of that study in the fall. Staff would need to meet with some neighborhood groups first to resolve some verification problems, and the report would then be released to general public after the first of the year.

Councilmember Krasnow said her level of discomfort was increasing somewhat. She said she had never advocated on-site stormwater control for single family houses, but this facility was already subscribed, and the City had no idea when another facility would be available. Ms. Krasnow urged staff to give Mayor and Council an idea of what the time frame would be. Ms. Krasnow said she was not comfortable with continuing to approve waivers when it was not known where the stormwater was being waived to. She also expressed concern whether the contribution fees being collected were adequate, when it was not known if the facilities to be built were going to be more expensive than what was anticipated.

Mayor Coyle asked that Mr. Romer plan to make a presentation on the issue and give an update to the Mayor and Council. Referring back to the fact that the City adopted the regional SWM plan years ago, Mr. Romer said that the City had been following the plan as a matter of

policy. He said while it was frustrating, the Council was well aware of the predicament with Cabin John. For years, the City, had a well defined answer to the questions now being discussed, however, for a variety of reasons, that plan was no longer sufficient and now the City has gone through a multi-year period of redefining the SWM plan adopted years ago. In the meantime, we have the regional plan and a regional policy the City subscribed to, but there were also the demands of private property developers to develop.

Mayor Coyle suggested that what was needed was a better understanding of the impact and what the waivers meant in terms of increased water flow. Councilmember Dorsey said when the word "regional" was used, he hoped others upstream from Rockville were as sensitive as the City was in protecting the Bay. He also said he hoped the topographical maps discussed earlier would help in simulating some type of study.

Re: Approval of action plan for Frederick Avenue pedestrian bridge improvements.

Assistant City Manager, Rick Kuckkahn gave the background on the bridge and explained that on September 10th, staff had met with the Lincoln Park Civic Association to discuss what should be done with the bridge. There were some on the committee that still advocated a vehicular bridge; however, it was clear that the will of the neighborhood was to support the plan to enhance the existing pedestrian bridge, and the neighborhood association supported the idea of considering a series of alternate designs that would result in improvements. Mr. Kuckkahn said that the plan included replacing the security fencing on the bridge, landscaping, direct stairways to the overpass, and decorative treatments including landscaping at both ends of the bridge. Mr. Kuckkahn said that staff was recommending that the Mayor and Council 1) endorse the plan of action focusing on aesthetics, fencing, lighting, a more direct access to deck and landscaping; 2) endorse enhanced

clean up; and 3) endorse the following policy statement: "The Frederick Avenue pedestrian bridge will remain and will not be replaced or augmented with a vehicular structure. Therefore, it is the desire of the Mayor and Council and the Lincoln Park neighborhood to enhance the function and appearance of the bridge to the fullest extent possible."

Anita Summerour, President of the Lincoln Park Civic Association, said the bridge was a very sensitive issue in the community, and she said that the Association concurred with staff's recommendations and had given their support for going ahead with the study. She asked that the Association be kept informed on a regular basis and also be given the opportunity to comment on ongoing progress.

Upon motion of Councilmember Dorsey, duly seconded and unanimously passed, the policy statement was adopted. Upon motion of Councilmember Weisbroth, duly seconded and unanimously passed, staff was instructed to pursue with Metro and the Lincoln Park community, all of the options for enhancing the bridge.

Re: FYI/Correspondence

1. Councilmember Weisbroth noted a memorandum regarding the Jail Site Selection Committee being established by the County. She said that not only had staff and the Mayor been keeping abreast of the issue, the Mayor had also been lobbying for an established seat on the committee. The Montgomery County Chapter of the Maryland Municipal League held a seat on the committee and had extended an offer to let a City representative sit in that position. By unanimous vote, the Mayor and Council selected Councilmember Marrinan to serve as the City's representative.

2. Mayor Coyle thanked members of the Council for joining staff at the HNASATF retreat on September 10, 1994.

3. Councilmember Weisbroth commented that the Recreation Department's Satisfactory Guarantee program was a tremendous opportunity for people to try out City recreation programs.

4. Councilmember Marrinan noted a letter received from Kathleen Driscoll regarding the outstanding services of City staff, particularly the Animal Control Staff, the Police Department, and the Refuse workers.

Re: New Business

1. Landscape Awards for Rockville Businesses. Councilmember Weisbroth suggested that a new initiative for the Mayor and Council to undertake would be an awards program to recognize Rockville businesses which beautify the community through attractive landscaping. Councilmember Krasnow asked whether businesses would nominate themselves or would the City take notice and make nominations. Ms. Krasnow said she strongly advocated both options for submitting nominations. Mayor Coyle suggested that the awards be given twice a year. Without objection, staff was directed to proceed with development of the landscape awards program.

2. Relocation of the Food and Drug Administration (FDA). Councilmember Marrinan said that he had been asked questions about the City's position on the relocation of FDA, and he asked for an update on the issue. Mayor Coyle said that critical negotiations were ongoing with the King family and the people they were doing business with. Mr. Romer added that there had been no deviation from the original plan to annex the King Farm; the owners were still desirous of completing the annexation and they reiterated this desire to the City last week. The dialogue had been kept open and staff anticipated that annexation would be the end result. The family had asked for a couple of days to review their situation and will get back to the City. Mayor Coyle added that the City was also trying to get a full annexation agreement including negotiations with the County; however, the City would have to complete the simple annexation portion in response to the family's

interests; and at some future time, finish negotiations with the County to effect a full annexation agreement. Mayor Coyle also noted that there had been a lot of misinformation in the Press incorrectly stating that the City was opposed to FDA; he said the City has always indicated their interest in FDA, however, there were grave concerns regarding the economic impact on the City's tax base for the future, as well as concerns about environmental requirements that FDA would not be subject to unless they chose to comply voluntarily. Mayor Coyle said that he had sent a letter to the editors to clarify the City's position on the issue.

Councilmember Krasnow remarked that what was unclear to Rockville residents, was while the Mayor and Council wholeheartedly supported the consolidation of FDA in Montgomery County, their concern was that the King Farm site was the City's future growth potential, zoned for 3,200 homes and a great deal of office and commercial development, as well as our tax base for the future. Ms. Krasnow said if FDA took over the entire site, they would not be subject to any taxes and would seriously hurt the City's ability to grow. Ms. Krasnow also explained the environmental implications of FDA going into the site, as this was a large medical facility with toxic waste and an incinerator on site. Mayor Coyle said that the Mayor and Council would do a better job of imparting the concerns of what impact FDA's consolidation on the King Farm site would have on the City's economic growth and environment.

3. Campaign Signs in City Rights-Of-Ways. Mayor Coyle reported that approximately 180 political signs that had been illegally placed in City right-of-ways were removed by staff. Councilmember Marrinan said he feared the same activity would continue during the campaigns for the November General Election, and he requested that staff make an effort to inform candidates about the City's sign laws.



4. Mayor Coyle said that he had received comments regarding the early closing of the Swim Center, a decision that had been made by the Mayor and Council as part of their FY95 budgetary decisions. He also noted concerns expressed regarding the use of the center by certain groups, and he asked Mr. Romer to report back to Mayor and Council on these issues.

5. Councilmember Dorsey noted the tragic U.S. Air accident last week, and he said that several residents knowing that he had family in Pittsburgh, expressed concern about his family, which, he said, was fortunately not affected. However, Mr. Dorsey expressed his own condolences to those who had lost loved ones in that tragedy.

Re: Next Meeting

The Mayor and Council will hold a public hearing on Monday, September 19, 1994 to hear citizens comments on three matters: Text Amendment Application TXT94-142, regarding re-use and occupancy permits; Text Amendment Application TXT94-144, to allow additions to certain developments in the RPC Zone to encroach into the RPR Zone; and to hear proposals for FY96 Community Development Block Grant funding. In addition, the Mayor and Council will receive a presentation by the Miller Companies and RinkSport Entertainment, Inc. on a proposal to build and operate an ice arena at Welsh Park.

Re: Adjournment

There being no further business to come before the Mayor and Council, the meeting was adjourned at 10:25 p.m., to reconvene again in Public Hearing at 7:30 p.m. on September 19, 1994.